

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TNT AMUSEMENTS, INC., d/b/a)
PLAY-MOR COIN-OP,)
)
Plaintiff,)
)
v.)
)
TORCH ELECTRONICS, LLC,)
STEVEN MILTENBERGER, and)
SONDRA MILTENBERGER)
)
Defendants.)

Case No. 4:23-cv-00330-JAR

EXPEDITED BRIEFING REQUESTED

**DEFENDANTS' MOTION FOR SANCTIONS PURSUANT TO
FED. R. CIV. P. 37(c)(1) AND REQUEST FOR EXPEDITED BRIEFING**

Pursuant to Federal Rule of Civil Procedure 37(c)(1), Defendants Torch Electronics, LLC, Steven Miltenberger, and Sondra Miltenberger respectfully move the Court to issue an order: (a) preventing Plaintiff TNT from calling any witnesses at the September 26, 2024 hearing; (b) requiring Plaintiff TNT to identify the individuals TNT has subpoenaed to appear at the hearing to offer live testimony; (c) mandating Plaintiff TNT inform each such individual that their appearance is no longer required; and (d) awarding Defendants their reasonable attorneys' fees for having to brief and litigate this issue in the first instance. In support of this Motion, Defendants incorporate their contemporaneously filed Memorandum in Support.

Request for Expedited Briefing. Defendants further respectfully request the Court order an expedited briefing schedule on this matter. Defendants only yesterday afternoon became aware Plaintiff TNT was improperly issuing subpoenas to persons that have never been disclosed as witnesses to make surprise appearances at an imminent hearing. The hearing is in 13 days, on September 26, 2024. Without an expedited briefing schedule, this issue will be unresolved by the time of the hearing, potentially resulting in these witnesses showing up at the hearing, which would

itself result in waste, delay, and unfair prejudice. Defendants respectfully request the Court order Plaintiff TNT to submit any response brief **by Wednesday, September 18, 2024**, and order any reply brief from Defendants be filed **by Friday, September 20, 2024**.

WHEREFORE, for the foregoing reasons, Defendants Torch Electronics, LLC, Steven Miltenberger, and Sondra Miltenberger respectfully move the Court to issue an order: (a) preventing Plaintiff TNT from calling any witnesses at the September 26, 2024 hearing; (b) requiring Plaintiff TNT to identify the individuals TNT has subpoenaed to appear at the hearing; (c) mandating Plaintiff TNT inform each such individual that their appearance is no longer required; and (d) awarding Defendants their reasonable attorneys' fees for having to brief and litigate this issue in the first instance. Defendants further respectfully move the Court to issue an order expediting briefing so that any response brief by Plaintiff must be filed by Wednesday, September 18, 2024, and any reply brief by Defendants must be filed by Friday, September 20, 2024. Defendants respectfully request the Court grant any further and additional relief it deems just and proper.

Dated: September 13, 2024

Respectfully submitted,

GRAVES GARRETT GREIM LLC,

By: /s/ J. Aaron Craig
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**Attorneys for Defendants Torch Electronics,
LLC, Steven Miltenberger, and Sondra
Miltenberger**

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2024, I caused the foregoing was filed with the Court's electronic CM/ECF filing system, which automatically served counsel for Plaintiff TNT Amusements, Inc., d/b/a Play-Mor Coin-Op with a notice of filing the same.

/s/ J. Aaron Craig

Attorney for Defendants Torch
Electronics, LLC, Steven Miltenberger, and
Sondra Miltenberger